

(2011) 10 UK CK 0083

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 944 of 2011 and
Compounding Application No. 1247 of 2011

Arun Kumar, Sher Singh, Nipendra and Anil Gurjar

APPELLANT

Vs

State of Uttarakhand and Tejendra Gill

RESPONDENT

Date of Decision : 17-10-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 147, 148, 149, 307, 323

Citation : (2011) 10 UK CK 0083

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hon''ble Prafulla C. Pant, J.—Heard.

2. By means of this petition, moved u/s 482 of Code of Criminal Procedure, 1973, the petitioners have sought quashing of the proceedings of Criminal Case No. 576 of 2011, (old case no. 358 of 2010) State vs. Arun and others relating to offences punishable u/s 147, 148, 149, 323, 307, 504, 506 and 427 I.P.C., Police Station Laksar, District Hardwar, pending in the court of Additional Chief Judicial Magistrate, Laksar.

3. There are cross cases of the incident. It is pointed out that on behalf of the learned counsel for the petitioners, and learned counsel for the complainant that parties have entered into compromise. This fact is also mentioned in the charge sheet. Since the offence punishable u/s 307 I.P.C., is non compoundable offence, this court is not inclined to interfere with the trial of the case, on the ground of compromise.

4. In the above circumstances, the petition u/s 482 of Cr.P.C., is dismissed with the observation that if the petitioners namely Arun Kumar, Sher Singh, Nipendra and Anil Gurjar surrender before the court concerned, their bail application shall

be heard and disposed of without unreasonable delay, keeping in mind that there are cross cases of the incident, and both the sides have entered into compromise. (Compounding Application No. 1247 of 2011 stands disposed of).